UNITED STATES DISTRICT COURT
District of Minnesota

CR16-284 JRT/LIB

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN ARTHUR BARTHMAN,

Defendant.

INDICTMENT

18 U.S.C. § 2252(a)(4)(B)
18 U.S.C. § 2252(b)(2)
18 U.S.C. § 2253(a)

THE UNITED STATES GRAND JURY CHARGES THAT:

INTRODUCTION

At all times relevant to this Indictment, **BRIAN ARTHUR BARTHMAN** possessed hundreds of child pornography images, including depictions of prepubescent children under the age of 12, and depictions of children subjected to sadomasochistic abuse and other depictions of violence. **BRIAN ARTHUR BARTHMAN** used sophisticated computer equipment, including self-built computers with hard drives in a RAID configuration, to possess and store his child pornography equipment.

COUNT 1
(Possession of Child Pornography Involving a Prepubescent Minor)

On or about December 23, 2015, in the State and District of Minnesota, the defendant,

BRIAN ARTHUR BARTHMAN,

having been previously convicted of an offense under the laws of the State of Minnesota relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a

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minor, did knowingly possess one or more matters which contained visual depictions that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, by any means including by computer, where the production of such visual depictions involved the use of minors, including prepubescent minors and minors who had not attained 12 years of age, engaging in sexually explicit conduct and such visual depictions were of such conduct, including, but not limited to, the following computer video and image files:

a) "Alinajellybeana Bate 090607 Stickam.avi," a video about 9 minutes long that depicts a pubescent minor female, who is topless and appears to be sitting at a computer. During the video, she undresses completely and displays her genitalia to the camera and masturbates;

b) "SEX2.jpg" an image that depicts a female child squatting over an adult male whose penis appears to be penetrating her vagina; and

c) "0812.jpg," an image depicting a female child bent over at the waist whose naked buttocks and genitalia are the focal point of the image;

all in violation of Title 18, United State Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE ALLEGATIONS

Count 1 of this Indictment is hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253(a).

As a result of the foregoing offense, the defendant,

BRIAN ARTHUR BARTHMAN,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 2253(a):

(1) any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Chapter 110 of Title 18, United States Code, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18, United States Code;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property, including but not limited to the following:

a. One self-built Antec 900 computer tower and hard drives seized during the execution of the search warrant;

b. One self-built Antec 1200 computer tower and hard drives seized during the execution of the search warrant;

c. One Toshiba laptop computer seized during the execution of the search warrant; and

d. One 64 GB Lexar thumb drive seized during the execution of the search warrant.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

All in violation of Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2), and 2253(a).

A TRUE BILL

UNITED STATES ATTORNEY	FOREPERSON